

Applicant is required to elect a single clinically approved monomer: sebacic acid, 1,3-bis(carboxyphenoxy)propane, or PEG as cited in claim 6;

Applicant is required to elect a single bioactive agent: a single therapeutic agent or a single imaging agent as cited in claim 7;

If Applicant elects a therapeutic agent applicant is required to elect a single therapeutic agent: DNA, an RNA, a small molecule, a peptidomimetic, a protein;

Applicant is required to elect a single species of surface altering agent for claim 1 and its depended claims as cited in [009] of specification: anionic protein (e.g., serum albumin), nucleic acids, surfactants such as cationic surfactants (e.g., dimethyldioctadecyl-ammonium bromide), sugars or sugar derivatives (e.g., cyclodextrin), polyethylene glycol, mucolytic agents, or other non-mucoadhesive agents. Certain agents, e.g., cyclodextrin, may form inclusion complexes with other molecules and can be used to form attachments to additional moieties and facilitate the functionalization of the particle surface and/or the attached molecules or moieties as cited in [009] of specification; and

Applicant is required to elect a single adjuvant as cited in [0041] of specification: radiosensitizers, transfection-enhancing agents, chemotactic agents or chemoattractants, peptides that modulate cell adhesion or cell mobility, cell permeabilizing agents, vaccine potentiators, inhibitors of multidrug resistance or efflux pumps.

In response to the requirement for election of species, Applicant hereby elects for search purposes only, and with traverse, "poly(D,L-lactic-co-glycolic) acid" for the polymer core; "a therapeutic agent" for the bioactive agent; "a small molecule" for the therapeutic agent; "polyethylene glycol" for the surface altering agent; and "chemoattractants" for the adjuvant. Claims 1, 2, 5, 7-8, 12, 17, 18, and 20-22 encompass the elected species. The traversal is made on the grounds that it is believed that a search and an examination of all claims would place no undue burden on the Examiner (see MPEP § 803).

Having made the election, Applicant reserves the right to pursue the subject matter of the non-elected claims in one or more future applications claiming priority to the present application.

CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants believe no fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. JHUC-P01-021 from which the undersigned is authorized to draw.

Dated: April 2, 2010

Respectfully submitted,

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